

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

VAUGHN GLEN PYKE,

Defendant and Appellant.

C086638

(Super. Ct. Nos. 16F7631,
17F5892)

In case No. 16F7631, a felony complaint was filed on December 8, 2016, that charged defendant Vaughn Glen Pyke with residential burglary with a person present, a serious and violent felony and alleged that when he committed the offense he was out on bail or his own recognizance.

On October 2, 2017, pursuant to a plea agreement, the trial court struck the “person present” allegation from the residential burglary charge (which eliminated the “violent felony” allegation, but not the “serious felony” allegation) and dismissed the on-

bail enhancement, and allowed the People to amend the complaint to charge second degree commercial burglary as count 2. The court advised defendant that he would receive felony probation, and if he successfully completed probation, he would be permitted to withdraw his plea to the residential burglary count. Defendant thereafter pled no contest to both counts.

On October 24, 2017, before sentencing in case No. 16F7631 took place, case No. 17F5892 was filed charging defendant with one count of corporal injury to a spouse or cohabitant. On November 16, 2017, an additional count of assault with force likely to cause great bodily injury was added to the original charge, and alleged a prior strike (the first degree burglary conviction in case No. 16F7631).

On January 12, 2018, defendant pled no contest to corporal injury to a spouse or cohabitant and admitted the prior strike in return for a stipulated six-year prison term to resolve all of defendant's pending cases.

In case No. 16F7631, the owners of a vacation home in Fall River Mills found, when they returned to the home, that someone had pried open the garage door, accessed the home through the unlocked interior door between the garage and the house, and stolen a number of items of property; DNA samples later identified the burglar as defendant. In case No. 17F5892, a woman with whom defendant had a relationship informed the Shasta County Sheriff's Department that during an argument, defendant struck her on the head with a speaker.

On January 12, 2018, the trial court sentenced defendant to an aggregate state prison sentence of six years, consisting of the three-year midterm, doubled for the strike, on the corporal injury conviction in case No. 17F5892, with a four-year midterm sentence for the residential burglary conviction in case No. 16F7631 run concurrent (along with sentences on trailing cases not part of this appeal). The court awarded 851 days of presentence custody credit, including 427 actual days and 424 conduct days. The court

imposed a \$300 restitution fine and a matching suspended parole revocation restitution fine in each case, a \$200 court security fee, and a \$150 criminal conviction assessment.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

/s/
Robie, Acting P. J.

We concur:

/s/
Murray, J.

/s/
Hoch, J.